

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 10-11, 2003

Reference No.: 2.4b.
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Brice D. Paris
Division Chief
Right of Way

Ref: **RESOLUTIONS OF NECESSITY**

ISSUE:

For each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission adopt Resolutions of Necessity C-18863 through C-18879. Discussions have taken place with all the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owner may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18863 - Tahoe Valley Center, et al.

03-ED-50-PM 75.45-Parcel 33878-1 - EA: 2C9309 - Certification Date: 11/01/03 - RTL Date: 04/30/04 - (Conventional highway - modify intersection, add turn lane, modify signals). Authorizes condemnation of land in fee for a State highway. Located in the city of South Lake Tahoe.

C-18864 - J.L. Bailey Properties L.P., An Idaho Limited Partnership, et al.

03-Butte-99-PM 21.8-Parcel 33299-1,2 - EA: 3822V2 - Certification Date: 10/01/03 - (Freeway - expand from two to four lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for overhead utilities to be conveyed to PG&E. Located near the city of Oroville near the intersection of Highway 70 and Highway 191.

C-18865 - Pentz Property Partnership

03-Butte-99-PM 23.8-Parcel 33277-1,2,3,4,5,6,7 - EA: 3822V9 - Certification Date: 10/01/03 - RTL Date: 10/01/03 - (Freeway - construct a four-lane expressway and interchange). Amends Resolution No. C-18835 adopted September 25, 2003, which authorizes condemnation of land in fee for a State highway, and seven easements for drainage. This amendment revises the legal description of the required property and omits subparcel 8. Located near the city of Chico at the intersection of Highway 99 and Durham - Pentz Road.

C-18866 - James L & Pamela A. Warren, et al.

03-But-149-PM 0.0/4.6-Parcel 033292 - EA: 3822V9 - Certification Date: 10/01/03 - RTL Date: 10/31/03 - (Expressway - expand from two lanes to four lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights. Located near the city of Oroville at 1568 Highway 149.

C-18867 - Don Collins Buick, Inc., a California Corporation

04-Mrn-101-KP 16.6-Parcel 54604-A - EA: 226152 - Certification Date: 01/04/03 - RTL Date: 01/04/03 - (Freeway - construct HOV lane). Authorizes condemnation of tenant's machinery and equipment. Located in the city of San Rafael at 502 Francisco Boulevard West.

C-18868 - Union Pacific Railroad Co., et al.

04-Ala-580-PM 46.6-Parcel 56994-1A, 1B - EA: 143542 - Certification Date: 9/04 - RTL Date: 10/04 - (Freeway - seismic retrofit, San Francisco-Oakland Bay Bridge). Authorizes condemnation of a permanent easement for joint utility, and a temporary easement for construction purposes. Located in the city of Oakland at Yerba Buena Avenue and Beach Street.

C-18869 - Richard K. Lightner, et ux.

10-Cal-26-KP 12.0-Parcel 15004 - EA: 498409 - Certification Date: 12/01/03 - RTL Date: 12/01/03 - (Conventional highway - curve correction and widening). Authorizes condemnation of land in fee for a State highway. Located in the county of Calaveras, near the unincorporated area of Valley Springs near Gee Road and State Highway 26.

C-18870 - Edgar A. Hills, Jr., et ux

10-Cal-26-KP 12.26-Parcel 15006 - EA: 498409 - Certification Date: 12/01/03 - RTL Date: 12/01/03 - (Conventional highway - curve correction and widening.) Authorizes condemnation of land in fee for a State highway. Located in county of Calaveras, near the unincorporated area of Valley Springs, near the intersection of Silver Rapids Road and State Highway 26.

C-18871 - Stephen and Mary Birch Foundation, a Delaware Corporation

11-SD-125-KP 4.2/6.3-Parcel 32016; 32017 - EA: 232309 - Certification Date: 06/20/03 - (Toll Road - Freeway - construct a new alignment). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Chula Vista on the northerly slopes of the Otay River Valley .

C-18872 - Otay Land Company, LLC

11-SD-125-KP 5.6/6.3-Parcel 32018 - EA: 232309 - Certification Date: 06/20/03 - (Toll Road - Freeway - construct a new alignment). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Chula Vista near the southern portion of Hunte Road.

C-18873 - Alejandro Torres Villanueva

11-SD-125-KP 13.1-Parcel 32047 - EA: 232309 - Certification Date: 06/20/03 - (Toll Road - Freeway - construct a new alignment). Authorizes condemnation of land in fee for a State highway. Located in the city of San Diego at Lots 49 and "E", Haley's Addition, North of Proctor Valley Road.

C-18874 - Alfred Ernest Ludwig, Jr.

11-SD-125-KP 12.9-Parcel 32070 - EA: 232309 - Certification Date: 06/20/03 - (Toll Road - Freeway - construct new alignment). Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Diego near Proctor Valley Road, Haley Subdivision, Lot 40.

C-18875 - Jerry D. Webb and Sharon L. Webb, Trustees, et al.

11-SD-125-KP 12.9-Parcel 32074 - EA: 232309 - Certification Date: 06/20/03 - (Toll Road - Freeway - construct a new alignment). Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of the county of San Diego, near the city of Chula Vista at Lot 41 of Haley's Addition, south of Proctor Valley Road.

C-18876 - Patricia Lynne Keshka; Nita Ludwig Jauregui

11-SD-125-KP 13.0-Parcel 32061 - EA: 232309 - Certification Date: 06/20/03 - (Toll Road - Freeway - construct new alignment). Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of the county of San Diego near the city of Chula Vista at Lot 38 of Haley's Addition, South of Proctor Valley Road.

C-18877 - Amisra Bancorp Company

11-SD-125-KP 13.1-Parcel 32049 - EA: 232309 - Certification Date: 06/20/03 - (Toll Road - Freeway - construct a new alignment). Authorizes condemnation of land in fee for a State highway. Located in the city of San Diego at Lot 48 - Haley's Addition, North of Proctor Valley Road.

C-18878 - San Diego County Water Authority, a Public Entity

11-SD-125-KP 16.1-Parcel 32148 - EA: 003009 - Certification Date: 12/31/02 - (Toll Road - Freeway - construct new alignment). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Bonita at San Miguel Road and Dairy Road.

C-18879 - G-Three, LLC

11-SD-125-KP 13.1-Parcel 32048-1,2 - EA: 232309 - Certification Date: 06/20/03 - (Toll Road - Freeway - construct new alignment). Authorizes condemnation of land in fee for a State highway, and land in fee, which is a remnant and would have little market value and extinguishment of abutter's rights of access. Located in the unincorporated area of San Diego near Proctor Valley Road, Haley Subdivision Lot 34.